



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us



BUTCH TONGATE
Secretary

BRUCE YURDIN
Acting Deputy Secretary

Original via UPS -- Copy via Electronic Mail

November 14, 2018

Mr. Charles Maguire, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit:

U.S. Bureau of Reclamation – Cutter Lateral Treatment Plant – NM0031194

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED provided public notice of the draft permit and announced a public comment period posted on the NMED web <https://www.env.nm.gov/public-notices/> and <https://www.env.nm.gov/surface-water-quality/public-notices/>

October 6, 2018. The public comment period ended on November 5, 2018 NMED received no comments by the end of the comment period.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

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U.S. Bureau of Reclamation – Cutter Lateral Treatment Plant

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail
Mr. Quang Nguyen, USEPA (6WQ-PP) via e-mail
Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail
Mr. Barry Longwell, Contracting Officer Representative, US Bureau of Reclamation,
123 La Plata Hwy, Farmington, New Mexico 87401

Ms. Anne L. Idsal, Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

11/14/2018

STATE CERTIFICATION

RE: U.S. Bureau of Reclamation – Cutter Lateral Treatment Plant – NM0031194

Dear Ms. Idsal:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

State Certification of the Proposed NPDES Draft Permit
U.S. Bureau of Reclamation – Cutter Lateral Treatment Plant
NM0031194
November 14, 2018

Conditions of Certification

There are no conditions of certification.

Comments That Are Not Conditions of Certification

1. The proposed permit Part III is a version of this section amended March 2013. The most recent version of this section was developed in 2017. NMED suggests the most recent version of this section be used in this permit.

End of comments that are not conditions of certification.